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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,421	12/16/2003	Wolfgang Burkhardt	AO720B	6313
7590 Arthur G. Schaier Carmody & Torrance LLP P.O. Box 1110 50 Leavenworth Street Waterbury, CT 06721-1110			EXAMINER PHAN, THANH S	
			ART UNIT	PAPER NUMBER
			2833	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/08/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/737,421

Applicant(s)

BURKHARDT ET AL.

Examiner

Thanh S. Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 15-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 15-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, how the circuit board is removed and replaced "without removing the display" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-10, 15-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 6 and 21 rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: it is unclear how the printed circuit boards are remove/insert without removal of the display.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 and 15-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellner et al. [US 6,618,328] in view of Scharz [US 5,210,722] and Nishimura [US 4,430,005].

Regarding claims 1, 5-8 and 21, Ellner et al. disclose an electronic device [1] that includes functionality to perform at least two functions, a first of which is at least timekeeping and the other of which is at least a function related to a sensed condition

[abstract; the device contain messages that related to at least one of the senses/sensed condition: hearing, vision, smell and touch] wherein the electronic device comprises a multilayered module comprising: a frame [not explicitly labeled; the frame is necessarily for comprising the electronic device housing structure] having a frame surface; a timepiece [23] and a removable (second) printed circuit board including second means for receiving and processing information related to the sensed condition [an digital and/or an auditory message which obviously comprise a circuit board in order to perform digital and/or electronically functions; column 2, line 58 – column 3, line 2] wherein the second printed circuit board is securable within the module [the replaceable and exchangeable digital or auditory message is secured in the device structure], a display electronically coupled to the second means for displaying information related to the external parameter [figures 15-17]; and as illustrated in figures 16 and 17, the device is capable of replacing the removable circuit board(s) with another circuit board(s) for the purpose of displaying different contents, wherein the connection means of the later board(s) are different from the board(s) being replaced [as in the second, third and so on].

Ellner et al. disclose the timepiece except for wherein the timepiece comprise a circuit board/first board and a compartment dimensioned for receiving the battery, wherein the battery compartment is asymmetrically positioned within the module thus creating a region above a printed circuit board and proximate the battery compartment and wherein the removal of the second printed circuit board is without removing the display.

Schwartz discloses an analog timepiece comprising a compartment dimensioned for receiving a battery [energy cell 30], wherein the battery compartment is asymmetrically positioned within the module thus creating a region above a printed circuit board [11] and proximate the battery compartment.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the timepiece design of Schwartz with Ellner et al. for the purpose of facilitating power to circuit arrangement within a compact space.

Nishimura teaches of a timepiece [figure 1] wherein the removal and insertion of additional ROM cassette [D] is without removing the display.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the teachings of Nishimura with Ellner et al., as modified, for the purpose of providing addition alarming messages.

Regarding claims 2-4, Ellner et al. disclose that the second printed circuit board secured within the compartment of the electronic device, and Scharzt discloses that the first circuit board is secured within the timepiece. Furthermore, the circuit board(s) and other electronic components should be electrically and physically supported by supporting member(s) within the electronic device in order for the device to perform its functions accordingly.

Regarding claims 9, 10, Ellner et al. disclose wherein the sensed condition is selected from the group consisting of directions, altitude, heart rate, speed, distance, and combinations of the foregoing [wherein the backing having a functional member for

generating signals to help find the wristwatch itself in which an indication of sensed direction; column 2, lines 48-53].

Regarding claims 15-20, Ellner et al. disclose an electronic device [embodiments of figures 18-20] that includes functionality to perform at least two functions, a first of which is at least timekeeping and the other of which is at least a function related to a sensed condition [abstract; the device contain messages that related to at least one of the senses/sensed condition: hearing, vision, smell and touch] wherein the electronic device comprises a multilayered module comprising: a frame [not explicitly labeled; the frame is necessarily for comprising the electronic device housing structure] having a frame surface; a timepiece and a removable (second) printed circuit board including means for receiving and processing information related to the sensed condition [an digital and/or an auditory message which obviously comprise a circuit board in order to perform digital and/or electronically functions; abstract and column 6, lines 21-49] wherein the second printed circuit board is securable within the module [the replaceable and exchangeable digital or auditory message is secured in the device structure]. Ellner et al. did not explicitly numbered/labeled a controller that electronically interfaces with both of the printed circuit board, however these features must be presented/inherent for a user to actuated a member of the device for the device to electrically displaying/performing different messages [when different messages is placed in the compartment] as suggested in column 6, lines 21-49.

Ellner et al. disclose the timepiece except for wherein the timepiece comprise a circuit board/first board and a compartment dimensioned for receiving the battery,

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wherein the battery compartment is asymmetrically positioned within the module thus creating a region above a printed circuit board and proximate the battery compartment.

Schwartz discloses an analog timepiece comprising a compartment dimensioned for receiving a battery [energy cell 30], wherein the battery compartment is asymmetrically positioned within the module thus creating a region above a printed circuit board [11] and proximate the battery compartment.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the timepiece design of Schwartz with Ellner et al. for the purpose of facilitating power to circuit arrangement within a compact space.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-10, 15-21 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh S. Phan whose telephone number is 571-272-2109. The examiner can normally be reached on M-F 9:00-5:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Bradley can be reached on 571-272-2001 ext 33. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

tsp



VE Misha  
Primary Examiner